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TAGS: [ETTC](#) [EFIN](#) [KTFN](#) [UNSC](#) [PREL](#) [PGOV](#) [AF](#)

SUBJECT: UNSC ADOPTS RES 1735 ON AL-QAIDA/TALIBAN SANCTIONS

REF: STATE 201514

Classified By: ACTING PERMANENT REPRESENTATIVE,
AMBASSADOR ALEJANDRO WOLFF, FOR REASONS 1.4 (B AND D)

¶1. (SBU) On December 22, 2006, the Security Council unanimously adopted UNSCR 1735, regarding al-Qaida and Taliban sanctions. The resolution focuses on sanctioning active members of the Taliban who are responsible for the upsurge in violence in Afghanistan. It also emphasizes the importance of reporting violations of the sanctions regime to the Council. UNSCR 1735 clarifies that the assets freeze includes economic resources (not just bank accounts), as well as financial resources used for the provision of Internet hosting and related services in support of al-Qaida. The resolution strengthens cooperation between the sanctions committee and international/regional organizations and improves fair and clear procedures, i.e., "due process", for notifying individuals under sanctions. UNSCR 1735 encourages States to submit for sanctioning those individuals and entities who finance al-Qaida and/or the Taliban with proceeds from trafficking of drugs originating in Afghanistan, and calls upon States to help update the sanctions list with new information in order to ensure effective sanctions enforcement. Finally, the draft extends the mandate of the current Monitoring Team in order to ensure continuity of expertise.

¶2. (C) COMMENT: Qatar opposed the extension of the Monitoring Team and issued an Explanation of Vote (EOV) after the Council adopted resolution 1735. In its EOV, Qatar accused the team of lacking professionalism and impartiality. Although the Monitoring Team told USUN after the vote that it was hurt by Qatar's unfair accusations, several Council members said to us privately that the Qatari EOV inflicted more damage on the Qatari Mission's image than on the Monitoring Team's deservedly excellent reputation. END COMMENT.

¶3. (U) BEGIN TEXT:

The Security Council,

Recalling its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001, 1373 (2001) of 28 September 2001, 1390 (2002) of 16 January 2002, 1452 (2002) of 20 December 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004, 1566 (2004) of 8 October 2004, 1617 (2005) of 29 July, 1624 (2005) of 14 September 2005, and 1699 (2006) of 8 August 2006, and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are

criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed; and reiterating its unequivocal condemnation of Al-Qaida, Usama bin Laden, the Taliban, and other individuals, groups, undertakings, and entities associated with them, for ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability,

Expressing its deep concern about the increased violent and terrorist activities in Afghanistan of the Taliban and Al-Qaida, and other individuals, groups, undertakings, and entities associated with them,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

Emphasizing that dialogue between the Committee established pursuant to resolution 1267 (1999) ("the Committee") and Member States is vital to the full implementation of the measures,

Recognizing that one of the most effective means of dialogue between the Committee and Member States is through direct contact, including country visits,

Welcoming the expanded cooperation with Interpol, including the establishment of "Interpol - UN Security Council Special Notices" and the passage of resolution 1699 (2006), and encouraging Member States to work in the framework of Interpol and other international and regional organizations in order to reinforce the implementation of the measures against Al-Qaida, Usama bin Laden, and the Taliban, and other individuals, groups, undertakings and entities associated with them,

Noting the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Reiterating that the measures referred to in paragraph 1 below, are preventative in nature and are not reliant upon criminal standards set out under national law,

Underscoring that, in giving effect to the measures in paragraph 1 of resolution 1617 (2005) and other relevant resolutions, full account is to be taken of the provisions regarding exemptions in paragraphs 1 and 2 of resolution 1452 (2002),

Taking note of the Committee's document on the arms embargo (SCA/2/06(20)), which is intended to be a useful tool to assist States in the implementation of the measures in paragraph 1(c) of this resolution,

Expressing its deep concern about criminal misuse of the Internet by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, in furtherance of terrorist acts,

Noting with concern the changing nature of the threat presented by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, in particular the ways in which terrorist ideologies are promoted,

Stressing the importance of meeting all aspects of the threat that Al-Qaida, Usama bin Laden and the Taliban, and other

individuals, groups, undertakings and entities associated with them represent to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

Measures

¶1. Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the "Consolidated List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, or by their nationals or by persons within their territory;

(b) Prevent the entry into or the transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Committee established pursuant to resolution 1267 (1999) ("the Committee") determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities;

¶2. Reminds States of their obligation to freeze without delay the funds and other financial assets or economic resources pursuant to paragraph 1(a) of this resolution;

¶3. Confirms that the requirements in paragraph 1(a) of this resolution apply to economic resources of every kind;

¶4. Calls upon States to redouble their efforts to implement the measures in paragraphs 1(b) and 1(c) of this resolution;

Listing

¶5. Decides that, when proposing names to the Committee for inclusion on the Consolidated List, States shall act in accordance with paragraph 17 of resolution 1526 (2004) and paragraph 4 of resolution 1617 (2005) and provide a statement of case; the statement of case should provide as much detail as possible on the basis(es) for the listing , including: (i) specific information supporting a determination that the individual or entity meets the criteria above; (ii) the nature of the information and (iii) supporting information or documents that can be provided; States should include details of any connection between the proposed designee and any currently listed individual or entity;

¶6. Requests designating States, at the time of submission, to identify those parts of the statement of case which may be publicly released for the purposes of notifying the listed individual or entity, and those parts which may be released upon request to interested States;

¶7. Calls upon States to use the cover sheet attached in Annex

I when proposing names for the Consolidated List, in order to ensure clarity and consistency in requests for listing;

¶18. Directs the Committee to encourage the submission of names from Member States for inclusion on the Consolidated List;

¶19. Directs the Committee to encourage States to submit additional identifying and other information on listed individuals and entities, including updates on assets frozen and the movement of listed individuals as such information becomes available;

¶10. Decides that the Secretariat shall, after publication but within two weeks after a name is added to the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and include with this notification a copy of the publicly releasable portion of the statement of case, a description of the effects of designation, as set forth in the relevant resolutions, the Committee's procedures for considering delisting requests, and the provisions of resolution 1452 (2002);

¶11. Calls upon States receiving notification as in paragraph 10 to take reasonable steps according to their domestic laws and practices to notify or inform the listed individual or entity of the designation and to include with this notification a copy of the publicly releasable portion of the statement of case, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, the provisions of resolution 1452(2002);

¶12. Encourages States to submit to the Committee for inclusion on the Consolidated List names of individuals and entities participating in the financing or support of acts or activities of Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, as described in paragraph 2 of resolution 1617 (2005), by any means, including but not limited to using proceeds derived from illicit cultivation, production, and trafficking of narcotic drugs originating in Afghanistan, and their precursors;

Delisting

¶13. Decides that the Committee shall continue to develop, adopt, and apply guidelines regarding the de-listing of individuals and entities on the Consolidated List;

¶14. Decides that the Committee, in determining whether to remove names from the Consolidated List, may consider, among other things, (i) whether the individual or entity was placed on the Consolidated List due to a mistake of identity, or (ii) whether the individual or entity no longer meets the criteria set out in relevant resolutions, in particular resolution 1617 (2005); in making the evaluation in (ii)

above, the Committee may consider, among other things, whether the individual is deceased, or whether it has been affirmatively shown that the individual or entity has severed all association, as defined in resolution 1617 (2005), with Al-Qaida, Usama bin Laden, the Taliban, and their supporters, including all individuals and entities on the Consolidated List;

Exemptions

¶15. Decides to extend the period for consideration by the Committee of notifications submitted pursuant to paragraph 1(a) of resolution 1452 (2002) from 48 hours to 3 working days;

¶16. Reiterates that the Committee must make a negative decision on notifications submitted pursuant to paragraph 1(a) of resolution 1452 (2002), in order to prevent the

release of funds and other financial assets or economic resources that have been determined by the notifying State(s) to be necessary for basic expenses;

¶17. Directs the Committee to review its guidelines with respect to the provisions of paragraph 1(a) of resolution 1452 (2002) as reiterated in paragraph 16 above;

¶18. Encourages States that submit requests to the Committee pursuant to paragraph 1(b) of resolution 1452 (2002), to report in a timely way on the use of such funds with a view to preventing such funds from being used to finance terrorism;

Measures Implementation

¶19. Encourages States to identify, and if necessary introduce, adequate procedures to fully implement all aspects of the measures described in paragraph 1 of this resolution;

¶20. Stresses that the measures imposed by paragraph 1(a) of this resolution apply to all forms of financial resources, including but not limited to those used for the provision of Internet hosting and related services, used for the support of Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them;

¶21. Directs the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above, and requests the Chairman, in his periodic reports to the Council pursuant to paragraph 31 below, to provide progress reports on the Committee's work on this issue;

¶22. Requests States to ensure that the most up to date version of the Consolidated List is promptly made available to relevant Government offices and other relevant bodies, in particular, those offices responsible for the assets freeze and border control;

¶23. Requests the Secretary General to take the necessary steps to increase cooperation between the United Nations and relevant international and regional organizations, including Interpol, ICAO, IATA, and the WCO, in order to provide the Committee with better tools to fulfill its mandate more effectively and to give Member States better tools to implement the measures referred to in paragraph 1 of this resolution;

Taliban

¶24. Encourages States to submit names of individuals and entities currently associated with the Taliban to the Committee for inclusion on the Consolidated List;

¶25. Directs the Committee to encourage States to provide additional identifying and other information on listed Taliban individuals and entities;

¶26. Directs the Committee to work, in accordance with its guidelines, to consider requests for inclusion on the Consolidated List, names of individuals and entities associated with the Taliban, and to consider petitions for the removal of listed members and/or associates of the Taliban who are no longer associated with the Taliban;

Coordination

¶27. Reiterates the need for ongoing close cooperation and exchange of information among the Committee, the Counter Terrorism Committee ("CTC"), and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including enhanced information

sharing, coordinated visits to countries, technical assistance, and other issues of relevance to all three committees;

Outreach

¶28. Further reiterates the importance of having the Committee follow up via oral and/or written communications with Member States regarding effective implementation of the sanctions measures;

¶29. Strongly encourages Member States to send representatives to meet the Committee for more in-depth discussion of relevant issues;

¶30. Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004) and 1617 (2005);

¶31. Requests the Committee to report orally, through its Chairman, at least every 180 days to the Council on the overall work of the Committee and the Analytical Support and Sanctions Monitoring Team ("Monitoring Team"), and, as appropriate, in conjunction with the reports by the Chairmen of the CTC and the Committee established pursuant to resolution 1540 (2004), including briefings for all interested Member States;

Monitoring Team and Reviews

¶32. Decides, in order to assist the Committee in the fulfillment of its mandate, to extend the mandate of the current New York-based Monitoring Team, appointed by the Secretary-General pursuant to paragraph 20 of resolution 1617

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(2005), for a further period of 18 months, under the direction of the Committee with the responsibilities outlined in Annex II, and requests the Secretary-General to make the necessary arrangements to this effect;

¶33. Decides to review the measures described in paragraph 1 of this resolution with a view to their possible further strengthening in 18 months, or sooner if necessary;

¶34. Decides to remain actively seized of the matter.

Annex I sent to IO/PSC via email.

Annex II

In accordance with paragraph 32 of this resolution, the Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1267 (1999) and shall have the following responsibilities:

a. To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measures in paragraph 1(a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, Usama bin Laden, the Taliban, and other individuals, groups, undertakings, and entities associated with them; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

b. To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities, envisaged in order to fulfill its responsibilities, including proposed travel, based on close coordination with the CTC's Executive Directorate ("CTED") and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

c. To submit, in writing, two comprehensive, independent reports to the Committee, one by 30 September 2007 and the other by 31 March 2008, on implementation by States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved

implementation of the measures and possible new measures;

d. To analyze reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee as instructed by the Committee;

e. To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

f. To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

g. To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List;

h. To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

i. To encourage Member States to submit names and additional identifying information for inclusion on the Consolidated List, as instructed by the Committee;

j. To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

k. To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph c of this annex;

l. To consult with Member States' intelligence and security services, including through regional fora, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

m. To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

n. To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

o. To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with Interpol, referred to in resolution 1699 (2006);

p. To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

q. Any other responsibility identified by the Committee.

END TEXT.
WOLFF